

Stephen M. Doniger (SBN 179314)  
stephen@donigerlawfirm.com  
Scott A. Burroughs (SBN 235718)  
scott@donigerlawfirm.com  
Trevor W. Barrett (SBN 287174)  
tbarrett@donigerlawfirm.com  
**DONIGER / BURROUGHS**  
603 Rose Avenue  
Venice, California 90291  
Telephone: (310) 590-1820

## Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CITY PRINTS, LLC., a New York  
Limited Liability Company,**

**Plaintiff,**

V.

G STAGE LOVE.COM, INC., a California Corporation; J ONE TRADING, INC., a California Corporation; PINK QUEEN APPAREL, INC., a Texas Corporation; RUE 21, INC., a Pennsylvania Corporation; WARRANT CLOTHING COMPANY, LLC; and DOES 1 through 10,

### Defendants.

| Case No.:

## **PLAINTIFF'S COMPLAINT FOR:**

1. COPYRIGHT INFRINGEMENT;
  2. VICARIOUS AND/OR CONTRIBUTORY COPYRIGHT INFRINGEMENT

## Jury Trial Demanded

Plaintiff CITY PRINTS, LLC, by and through its undersigned attorneys, hereby prays to this honorable Court for relief as follows:

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2                   **JURISDICTION AND VENUE**  
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- 4       1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., §§ 101,  
5       *et seq.*  
6       2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and  
7       1338 (a) and (b).  
8       3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and  
9       1400(a) in that this is the judicial district in which a substantial part of the acts and  
omissions giving rise to the claims occurred.

10                   **PARTIES**  
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12       4. Plaintiff CITY PRINTS, LLC (“CITY”) is a limited liability company  
existing under the laws of the state of New York.

13       5. Plaintiff is informed and believes and thereon alleges that Defendant  
G STAGE LOVE.COM, INC. (“G STAGE”) is a corporation organized and existing  
14       under the laws of the state of California with its principal place of business located at  
15       969 East 10<sup>th</sup> Street, Los Angeles, CA 90021.

16       6. Plaintiff is informed and believes and thereon alleges that Defendant J ONE  
TRADING, INC. (“J ONE”) is a corporation organized and existing under the laws  
17       of the state of California with its principal place of business located at 2317 S. Hill  
18       Street, Los Angeles, CA 90007.

19       7. Plaintiff is informed and believes and thereon alleges that Defendant PINK  
QUEEN APPAREL, INC. (“QUEEN”) is a corporation organized and existing under  
20       the laws of the state of Texas with its principal place of business located at 10685-B  
Hazelhurst Drive #14607, Houston, Texas 77043, and is doing business in and with  
21       the state of California.

22       8. Plaintiff is informed and believes and thereon alleges that Defendant RUE  
23       21, INC., (“RUE21”) is a corporation organized and existing under the laws of the

1 state of Pennsylvania with its principal place of business located at 4800  
2 Commonwealth Dr., Warrendale, Pennsylvania 15086, and is doing business in and  
3 with the state of California.

4 9. Plaintiff is informed and believes and thereon alleges that Defendant  
5 WARRANT CLOTHING COMPANY, LLC (“WARRANT”) is a limited liability  
6 company organized and existing under the laws of the state of Washington with its  
7 principal place of business located at 2303 N Ridgeview Ln., Ellensburg,  
8 Washington 98926, and is doing business in and with the state of California.

9 10. Defendants DOES 1 through 10, inclusive, are other parties not yet  
10 identified who have infringed Plaintiff’s copyrights, have contributed to the  
11 infringement of Plaintiff’s copyrights, or have engaged in one or more of the  
12 wrongful practices alleged herein. The true names, whether corporate, individual or  
13 otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff,  
14 which therefore sues said Defendants by such fictitious names, and will seek leave to  
15 amend this Complaint to show their true names and capacities when same have been  
16 ascertained.

17 11. Plaintiff is informed and believes and thereon alleges that at all times  
18 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
19 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
20 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
21 and/or employment; and actively participated in or subsequently ratified and  
22 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of  
23 all the facts and circumstances, including, but not limited to, full knowledge of each  
24 and every violation of Plaintiff’s rights and the damages to Plaintiff proximately  
25 caused thereby.

**CLAIM RELATED TO DESIGN P11243**

12. Prior to the conduct complained of herein, Plaintiff composed an original  
2 two-dimensional artwork for purposes of textile printing, which Plaintiff allocated  
3 Plaintiff's internal design number P11243 (the "Subject Design").  
4

5 13. The Subject Design is an original creation of Plaintiff's design team, and  
6 are, and at all relevant times were, owned exclusively by Plaintiff.  
7

8 14. Plaintiff applied for and received a United States Copyright Registration  
for the Subject Design.  
9

10 15. Prior to the acts complained of herein, Plaintiff sampled and sold fabric  
bearing Subject Design to numerous parties in the fashion and apparel industries.  
11

12 16. Plaintiff is informed and believes and thereon alleges that, following this  
distribution of fabric bearing Subject Design by Plaintiff, G STAGE, J ONE,  
13 QUEEN, RUE21, WARRANT, and certain DOE Defendants created, sold,  
14 manufactured, caused to be manufactured, imported and distributed fabric or  
15 garments comprised of fabric bearing an unauthorized reproduction of the Subject  
16 Design (the "Subject Product"), including but not limited to the following:  
17

- a. Garments sold by QUEEN and G STAGE under Style No. PX0597J.  
18 Such Subject Product bore labeling indicating that it was  
19 manufactured by, caused to be manufactured by, or supplied by or for  
20 J ONE or certain DOE Defendants. True and correct images of the  
21 Subject Design and an exemplar of such Subject Product (detail and  
22 garment) are displayed below. It is apparent that the elements,  
23 composition, color variations, arrangement, layout, and appearance of  
24 the designs are substantially similar:  
25  
26  
27 ///

SUBJECT DESIGN



SUBJECT PRODUCT EXEMPLAR  
Detail



Garment



b. Garments sold by RUE under Style No. 0079-000065-0003022 and WARRANT under Item Description “Spring Arrow Leggings.” Plaintiff is informed and believes, and thereon alleges that such Subject Product was manufactured by, caused to be manufactured by, or supplied by or for J ONE or certain DOE Defendants. True and correct images of the Subject Design and an exemplar of one such Subject Product are displayed below. It is apparent that the elements, composition, color variations, arrangement, layout, and appearance of the designs are substantially similar:

## SUBJECT DESIGN



## SUBJECT PRODUCT EXEMPLAR



17. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights and/or in blatant disregard for Plaintiff's rights, such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious, subjecting Defendants, and each of them, to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per infringement.

## **FIRST CLAIM FOR RELIEF**

(For Copyright Infringement – Against All Defendants, and Each)

18. Plaintiff repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

19. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Designs, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Designs by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) garments manufactured and sold to the public bearing fabric lawfully printed with the Subject Designs by Plaintiff for its customers.

20. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s) has an ongoing business relationship with Defendant retailers, and each of them, and supplied garments to said retailer, which garments infringed the Subject Designs in that said garments were composed of fabric which featured unauthorized print

1 design(s) that were identical or substantially similar to the Subject Designs, or were  
2 an illegal derivation or modification thereof.

3 21. Plaintiff is informed and believes and thereon alleges that Defendants, and  
4 each of them, infringed Plaintiff's copyright by creating, making, and/or developing  
5 directly infringing and/or derivative works from the Subject Designs and by  
6 producing, distributing and/or selling garments which infringe the Subject Designs  
7 through a nationwide network of retail stores, catalogues, and through on-line  
8 websites.

9 22. Due to Defendants' acts of infringement, Plaintiff has suffered substantial  
10 damages to its business in an amount to be established at trial.

11 23. Due to Defendants' acts of infringement, Plaintiff has suffered general and  
12 special damages in an amount to be established at trial.

13 24. Due to Defendants' acts of copyright infringement as alleged herein,  
14 Defendants, and each of them, have obtained direct and indirect profits they would  
15 not otherwise have realized but for their infringement of the Subject Designs. As  
16 such, Plaintiff is entitled to disgorgement of Defendants' profits directly and  
17 indirectly attributable to Defendants' infringement of the Subject Designs in an  
18 amount to be established at trial.

19 25. Plaintiff is informed and believes and thereon alleges that Defendants, and  
20 each of them, have committed acts of copyright infringement, as alleged above,  
21 which were willful, intentional and malicious, which further subjects Defendants,  
22 and each of them, to liability for statutory damages under Section 504(c)(2) of the  
23 Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per  
24 infringement. Within the time permitted by law, Plaintiff will make its election  
25 between actual damages and statutory damages.

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28

**SECOND CLAIM FOR RELIEF**

(For Vicarious and/or Contributory Copyright Infringement - Against All  
Defendants)

26. Plaintiff repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

27. Plaintiff is informed and believes and thereon alleges that Defendants knowingly induced, participated in, aided and abetted in and profited from the illegal reproduction and/or subsequent sales of garments featuring the Subject Designs as alleged herein.

28. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, are vicariously liable for the infringement alleged herein because they had the right and ability to supervise the infringing conduct and because they had a direct financial interest in the infringing conduct.

29. By reason of the Defendants', and each of their, acts of contributory and vicarious infringement as alleged above, Plaintiff has suffered and will continue to suffer substantial damages to its business in an amount to be established at trial, as well as additional general and special damages in an amount to be established at trial.

30. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Designs. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of the Subject Designs, in an amount to be established at trial.

31. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed acts of copyright infringement, as alleged above,

which were willful, intentional and malicious, which further subjects Defendants, and each of them, to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per infringement. Within the time permitted by law, Plaintiff will make its election between actual damages and statutory damages.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment as follows:

**Against All Defendants**

32. With Respect to Each Claim for Relief

- a. That Defendants, each of them, and their agents and employees be enjoined from infringing Plaintiff's copyrights in any manner, specifically those for the Subject Designs;
- b. That a constructive trust be imposed over the Infringing Product and any revenues derived from their sales;
- c. That Defendants, and each of them, account to Plaintiff for their profits and any damages sustained by Plaintiff arising from the foregoing acts of infringement, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- d. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 et seq.;
- e. That Plaintiff be awarded pre-judgment interest as allowed by law;
- f. That Plaintiff be awarded the costs of this action; and
- g. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

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1 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.  
2 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

3  
4 DONIGER / BURROUGHS

5 Dated: November 9, 2015

6 By: /s/ Scott A. Burroughs  
7 Scott A. Burroughs, Esq.  
Trevor W. Barrett, Esq.  
8 Attorneys for Plaintiff  
CITY PRINTS, LLC

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